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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,939	04/16/2004	Daniel Watchulonis	3042-101	9022
48733	7590	04/05/2005	EXAMINER	
JESSICA COSTA P.O. BOX 460 CROZET, VA 22932			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,939

Applicant(s)

WATCHULONIS, DANIEL

Examiner

Y Quach Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-14 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 10, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 to 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Babineaux (5,791,773, prior art previously cited).

Babineaux '773 shows a socket assembly comprising a base (42), a threaded light bulb socket (38) attached to the base, a power cord (40) electrically attached to the socket, a mounting stud (48) attached to the socket assembly (figure 3b), a spreading frame (22, 46, column 3, line lines 12 to 13) fixedly attached to the mounting stud for holding a light shade (24) in a fixed position, the shade comprising a collapsible accordion style lantern shade having a plurality of ribs (28) and flexible material (34) attached to the ribs to allow the shade to expand from a collapsed position to an expanded position, the spreading frame configured to be insertable into the shade to expand the shade to the expanded position and to retain the shade in the expanded position (column 3, lines 17 to 19), and the mounting stud configured to be mountable in a grip-head (column 2, lines 56 to 58).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 to 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babineaux (5,893,636, prior art previously cited) in view of Babineaux (5,791,773, prior art previously cited).

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Babineaux '636 discloses a socket assembly comprising a base (34), a threaded light bulb socket (figure 3, the socket between 34 and 13) attached to the base, a power cord (15, figures 1 to 3) electrically attached to the socket, a mounting stud (14, figures 3 and 5, the stud passing through element 38 to attach to the base with a locking nut) attached to the socket assembly, a spreading frame (16, 38) fixedly attached to the mounting stud for holding a light shade (12, 18) in a fixed position, the shade comprising a collapsible accordion style lantern shade having a plurality of ribs (20) and flexible material attached to the ribs to allow the shade to expand from a collapsed position to an expanded position, and the spreading frame configured to be insertable into the shade to expand the shade to the expanded position and to retain the shade in the expanded position. However, Babineaux '636 does not disclose the mounting stud configured to be mountable in a grip-head.

Babineaux '773 teaches a mounting stud (48) configured to be mounted in a grip-head (column 2, lines 56 to 58) to allow the lantern (10) so that the lantern is suitable for fixed location usage besides the hand held usage.

It would have been obvious to one skilled in the art to configure the mounting stud of Babineaux '636 to be mountable in a grip-head, as shown by Babineaux '773, so that the lantern can be used in a fixed location besides a portable or hand held usage.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babineaux (5,893,636, prior art previously cited) in view of Babineaux (5,791,773, prior art previously cited), as applied to claim 1 above, and further in view of Noguchi (prior art previously cited).

Babineaux '636 as modified by Babineaux '773 discloses the invention substantially as claimed with the exception of having the mounting stud comprised of a hollow tube and the power cord threaded through the tube.

Noguchi teaches a mounting stub (29) comprised of a hollow tube and a power cord (28) threaded through the tube.

It would have been obvious to one skilled in the art to comprise the mounting stud of Babineaux '636 a hollow tube, as shown by Noguchi, so that the power cord can be threaded through the tube since both references are directed to a collapsible lantern type of electric lamp.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babineaux (5,791,773, prior art previously cited) in view of Noguchi (prior art previously cited).

Babineaux '773 discloses the invention substantially as claimed with the exception of having the mounting stud comprised of a hollow tube and the power cord threaded through the tube.

Noguchi teaches a mounting stub (29) comprised of a hollow tube and a power cord (28) threaded through the tube.

It would have been obvious to one skilled in the art to comprise the mounting stud of Babineaux '773 a hollow tube, as shown by Noguchi, so that the power cord can be threaded through the tube since both references are directed to a collapsible lantern type of electric lamp.

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 6 to 14 are allowed.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
March 29, 2005



Y Quach Lee
Patent Examiner
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